UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,970	11/20/2001	Andreas Prokoph	DE920000094US1/2265P	1657

29141 7590 05/30/2006	EXAMINER
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303	THAI, HANH B

ART UNIT	PAPER NUMBER
2163	

DATE MAILED: 05/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/989,970	PROKOPH, ANDREAS
	Examiner	Art Unit	
	Hanh B. Thai	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment filed 3/24/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *24-47* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *24-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   The following in Final Office Action in response to the amendment filed March 24, 2006.

Claims 24-47 are pending in this application.

Response to Arguments

2.   Applicant's arguments regarding "decomposing the virtual document into a plurality of

tokens" of claims 24-47 have been considered but are not found persuasive.

Nelson discloses the retrieval system for retrieval of multimedia information including

decomposing the document into a plurality of tokens (see abstract of Nelson; Fig.2 and Fig.4;

col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines 60-65).

Sumita discloses system and method of generating a summary of document based on

original document. The summary of document reads on the virtual document because it

comprises a portion of the original document that characterizes an overall content of the original

document (abstract; summary Figs.48-53 and Figs.56-60 and col.28, lines 51-65, Sumita).

Therefore, Nelson and Sumita combination discloses the claimed features.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 24-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon

et al. (US Patent no. 6,631,369) of record in view of Nelson et al. (US Patent no. 6,243,713) of

record and further in view of Sumita et al. (US 5,907,841) cited in the previous Office Action.

Regarding claims 24 and 32, Meyerzon discloses a method for retrieving information

using a search engine, the method comprising:

retrieving a document to be indexed (see col.4, lines 54-62, Meyerzon); and

storing the plurality of tokens in a search index, wherein the search engine accesses the

search index to identify one or more virtual documents that satisfy a search query and retrieves

one or more documents corresponding to the one or more virtual documents (see col. 7, lines 44-

65 and col.8, lines 1-10, Meyerzon. The data type of information corresponding to the "token").

Meyerzon, however, does not explicitly disclose decomposing the document into a

plurality of tokens. Nelson, on the other hand, discloses the retrieval system for retrieval of

multimedia information including decomposing the document into a plurality of tokens (see

abstract of Nelson; Fig.2 and Fig.4; col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines

60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify Meyerzon to include the claimed feature as taught by Nelson. The motivation of doing

so would have been to improve the efficiency of incremental crawls that are used to manage

document stores (see col. 3, lines 65-67, Meyerzon).

Meyerzon and Nelson combination does not disclose generating a virtual document based

on the retrieved document. Sumita discloses system and method of generating a summary of

document based on original document. The summary of document reads on the virtual document

because it comprises a portion of the original document that characterizes an overall content of

the original document (abstract; summary Figs.48-53 and Figs.56-60 and col.28, lines 51-65,

Sumita). It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the combination system of Meyerzon and Nelson to include the claimed feature as

taught by Sumita. The motivation of doing so would have been to provide an efficient system that would reduce the burden on the user to read or extract the entire content of the original document by viewing only a portion of each document (col.2, lines 53-56, Sumita).

Regarding claim 40, Meyerzon discloses a system for retrieving information using a search engine, the system:

- A crawler for retrieving a document to be indexed (see col.4, lines 54-62, Meyerzon);

- a storage device (100, Fig.2 and corresponding text, Meyerzon) coupled to the extractor for storing the virtual document;

- a search engine indexer (300, Fig.2) coupled to the storage device; and

- a search index (400, Fig.2) coupled to the search engine indexer for storing the plurality of tokens, wherein the search engine accesses the search index to identify one or more virtual documents that satisfy a search query and retrieves one or more documents corresponding to the one or more virtual documents (see col. 7, lines 44-65 and col.8, lines 1-10; Fig.2 and corresponding text, Meyerzon).

Meyerzon, however, does not explicitly disclose the steps of decomposing the document extract into a plurality of tokens. Nelson, on the other hand, discloses the retrieval system for retrieval of multimedia document including the decomposing the document into a plurality of tokens (see abstract of Nelson; Fig.2 and Fig.4; col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Meyerzon to include the claimed feature as taught by Nelson. The motivation of doing so would have been to improve the efficiency of incremental crawls that are used to manage document stores (see col. 3, lines 65-67, Meyerzon).

Meyerzon and Nelson combination does not disclose generating a virtual document based

on the retrieved document. Sumita discloses system and method of generating a summary of

document based on original document. The summary of document reads on the virtual document

because it comprises a portion of the original document that characterizes an overall content of

the original document (abstract; summary Figs.48-53 and Figs.56-60 and col.28, lines 51-65,

Sumita). It would have been obvious to one of ordinary skill in the art at the time of the invention

to modify the combination system of Meyerzon and Nelson to include the claimed feature as

taught by Sumita. The motivation of doing so would have been to provide an efficient system

that would reduce the burden on the user to read or extract the entire content of the original

document by viewing only a portion of each document (col.2, lines 53-56, Sumita).

Regarding claims 25, 33 and 41, Meyerzon/Nelson/Sumita combination further discloses

recording positional information of the portion extracted within the document (see col. 6, lines 1-

10, Nelson).

Regarding claims 26, 34 and 42, Meyerzon/Nelson/Sumita combination discloses the step

of storing the recorded positional information with the plurality of tokens in the search index (see

col.6, lines 1-34, Nelson).

Regarding claims 27, 35 and 43, Meyerzon/Nelson/Sumita combination discloses

wherein the portion of the retrieved document that characterizes the overall content of the

retrieved document is a summary of retrieved document (see Figs.48-53 and Figs.56-60 and

col.28, lines 51-65, Sumita).

Regarding claims 28, 36 and 44, Figs.48-53 and Figs.56-60 and col.28, lines 51-65,

Sumita combination discloses the step of extracting from the retrieved document a collection of a

words, features, whole sentence or parts of sentences that characterizes the overall content of the

retrieved document. (see Figs.48-53 and Figs.56-60 and col.28, lines 51-65, Sumita).

Regarding claims 29, 37 and 45, Meyerzon/Nelson/Sumita combination disclose wherein

extraction of the collection of words, features, whole sentence or parts of sentences is based on

frequency of occurrence, word-salient-measure, proximity to the beginning of a paragraph,

proximity the beginning or end of the retrieved document, or position within a certain document

structure in the retrieved document (abstract; summary and col.28, lines 51-65, Sumita).

Regarding claims 30, 38 and 46, Meyerzon/Nelson/Sumita combination discloses

wherein each of the plurality of tokens comprises a word, a feature, a whole sentence, or a part of

a sentence in the virtual document (see Figs.48-53 and Figs.56-60 and col.28, lines 51-65,

Sumita).

Regarding claims 31, 39 and 47, Meyerzon/Nelson/Sumita combination discloses

wherein the retrieved document is a web-page (see abstract and Fig.2, Meyerzon).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

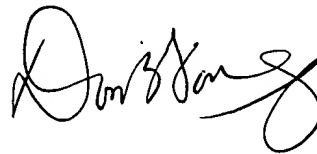date of this final action.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The

examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hanh B Thai
Examiner
Art Unit 2163

May 24, 2006

DON WONG
SUPERVISORY PATENT EXAMINER